



# City Council Agenda

Council President  
**Tom Boyajian**

Councilmembers

**Brian Calhoun**  
**Brad Castillo**, Acting President  
**Mike Dages**

**Jerry Duncan**  
**Henry T. Perea**  
**Cynthia Sterling**

City Manager  
**Daniel G. Hobbs**

City Clerk  
**Rebecca E. Klisch , CMC**

City Attorney  
**Hilda Cantú Montoy**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

**TUESDAY, JULY 15, 2003**

***If you would like to speak, fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on [www.ci.fresno.ca.us](http://www.ci.fresno.ca.us) The Council meeting can also be heard live at the same web site address.***

## **8:30 A.M. ROLL CALL**

Invocation by Jeremy Lindsey of the Church of Jesus Christ of Latter Day Saints

Pledge of Allegiance to the Flag

Proclamation of "CENTRAL GRIZZLIES 16 AND UNDER SOFTBALL TRAVEL TEAM DAY" - Council President Boyajian

Proclamation of "SAM'S DELI DAY" - Councilmember Perea

***Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.***

***Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. Public testimony will not be taken on unscheduled/non-action items.***

***The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.***

Approve minutes of June 24, 27 and 30, 2003

**Action Taken:**

Councilmember Reports and Comments

**Action Taken:**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

1. **GENERAL CONSENT CALENDAR**

(All consent calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

- A. Approve appointment of John Shehadey to the Bicycle/Pedestrian Advisory Committee - Councilmember Duncan

**Action Taken:**

- B. Approve reappointment of Keith Chun to the Housing and Community Development Commission and new appointments of John Dodds and Walter Becker to the Mobilehome Rent Review Commission - Mayor Autry

**Action Taken:**

- C. **RESOLUTION** - Approving the summary vacation of a portion of State Street southwest of Golden State Boulevard and a portion of Golden State Boulevard southeast of State Street - Public Works Dept.

**Action Taken:**

1. **GENERAL CONSENT CALENDAR CONTINUED**

- D. **RESOLUTION** - Approving the summary vacation of a portion of a public utility easement near West and Weber Avenues - Public Works Dept.  
**Action Taken:**
- E. Approve Reimbursement Agreement with the County of Fresno for the replacement of Herndon canal bridge at Palm Avenue - Public Works Dept.  
**Action Taken:**
- F. **RESOLUTION** - Of intention to annex Final Tract No. 4682 to the City of Fresno Community Facilities District No. 2, Annexation No. 49 - Public Works Dept.  
**Action Taken:**
- G. **RESOLUTION** - Of intention to annex Final Tract No. 5029 to the City of Fresno Community Facilities District No. 2, Annexation No. 53 - Public Works Dept.  
**Action Taken:**
- H. Direct staff to negotiate and execute an agreement with Kerman Telephone Company for installation of communication conduit for the City's Intelligent Transportation System (ITS) - Public Works Dept.  
**Action Taken:**
- I. Consideration of proposed Copper-Cedar No. 2 Reorganization consisting of 61.2 acres proposed for detachment from the Fresno County Fire Protection District and annexation of the same territory to the City of Fresno (***Property located in District 6***) - Planning and Development Dept.  
1. \* **RESOLUTION** - Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Copper-Cedar No. 2 Reorganization  
**Action Taken:**
- J. \* **RESOLUTION** - 1st amendment to AAR Resolution No. 2003-209 appropriating \$112,600 in grant funds from the State of California Integrated Waste Management Board (***Requires 5 affirmative votes***) - Planning and Development Dept.  
**Action Taken:**
- K. \* **RESOLUTION** - 2nd amendment to AAR Resolution No. 2003-209 appropriating \$152,900 in grant funds from the State of California Integrated Waste Management Board for the purpose of re-budgeting the grant for fiscal year 2004 (***Requires 5 affirmative votes***) - Planning and Development Dept.  
**Action Taken:**

1. **GENERAL CONSENT CALENDAR CONTINUED**

- L. **RESOLUTION** - Continuing a local emergency relating to the fire at Archie Crippen Excavation in the vicinity of Marks and Nielsen Avenues - City Manager's Office

**Action Taken:**

**TIME SCHEDULED HEARINGS AND MATTERS**

8:30 A.M. **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of June 24, 2003

**Action Taken:**

- A. Consider actions to approve the Redevelopment Agency of the City of Fresno Tax Allocation Refunding Bonds (Mariposa Project Area) Series 2003 and related matters:
1. **RESOLUTION** - Approving the issuance by the Redevelopment Agency of the City of Fresno of its Tax Allocation Refunding Bonds (Mariposa Project Area), Series 2003 **(Council action)**  
**Action Taken:**
  2. **RESOLUTION** - Approving the issuance, sale and delivery of the Redevelopment Agency of the City of Fresno Tax Allocation Refunding Bonds (Mariposa Project Area) Series 2003, approving and authorizing the execution and delivery of the Trust Indenture, the Preliminary Official Statement, Form of Continuing Disclosure Agreement and authorizing certain other actions in connection therewith **(Agency action)**  
**Action Taken:**
- B. Award a contract to Kroeker, Inc. of Fresno for the relocation of buildings in Armenian Town ("O" Street and "N" Street)  
**Action Taken:**
- C. Consider taking certain actions relating to financing public improvements for Roeding Business Park Redevelopment Project Area (Marks Avenue improvements including water, sewer, and storm drain lines, canal relocations, related bridges, water supply well, landscaped business park entrance and identification sign) (Phase III project)
1. \* **RESOLUTION** - Approving (a) a Promissory Note from the Agency to the City for \$300,000, (b) a grant of \$1,500,000 from the City to the Agency, and (c) a Loan and Reimbursement Agreement between the Agency and City for Phase III project costs **(Council and Agency action)**  
**Action Taken:**
  2. \* **RESOLUTION** - 3rd amendment to AAR Resolution No. 2003-209, appropriating \$300,000 to partially fund Roeding Business Park Road Improvements contracted by the Redevelopment Agency **(Requires 5 affirmative votes) (Council Action)**  
**Action Taken:**

## TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

### 8:30 A.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

- C. Consider taking certain actions relating to financing public improvements for Roeding Business Park Redevelopment Project Area (Marks Avenue improvements including water, sewer, and storm drain lines, canal relocations, related bridges, water supply well, landscaped business park entrance and identification sign) (Phase III project continued)
3. **RESOLUTION** - Authorizing the Agency to submit an application to the California Infrastructure and Economic Bank (1 Bank) for a \$4,233,100 loan to finance the Phase III Project (**Agency action**)  
**Action Taken:**
4. **RESOLUTION** - Declaring Agency intent to reimburse certain expenditures from proceeds of indebtedness (**Agency action**)  
**Action Taken:**
5. Authorize and direct staff that if the State Infrastructure Bank approves the loan, to negotiate and enter any necessary loan documents consistent with the staff report and the loan application, subject to City Attorney approval as to form (including, without limitation, subordinating certain debt owned by the Agency to the City) (**Agency action**)  
**Action Taken:**
6. Direct City and Agency staff to return to Council/Agency on July 22, or soon thereafter with an agreement between the Agency and City that, if the State Infrastructure Bank approves the loan, will commit the City to guarantee the Agency debt service on the I Bank loan if "net tax increment" (as further defined in the staff report) from the Roeding Project Area is insufficient. (**Council & Agency Action**)  
**Action Taken:**

### ADJOURN AGENCY

- 9:30 A.M. **HEARING** regarding consideration of amendments to exclusive negotiating agreement on Running Horse project - Planning and Development Dept.  
**Action Taken:**

### 10:00 A.M. JOINT MEETING WITH THE JOINT POWERS FINANCING AUTHORITY

- A. Approve appointment of a Joint Powers Financing Authority member  
**Action Taken:**
- B. Matters relating to investing funds in the local agency investment fund through the Joint Powers Financing Authority
1. **RESOLUTION** - Approving a Promissory Note payable to the City of Fresno (**Joint Powers Financing Authority action**)  
**Action Taken:**
2. **RESOLUTION** - Approving and accepting the Promissory Note from the Joint Powers Financing Authority (**Council action**)  
**Action Taken:**

### ADJOURN AUTHORITY

## **TIME SCHEDULED HEARINGS AND MATTERS CONTINUED**

- 10:10 A.M. HEARING** to consider Rezone Application No. R-03-24, and environmental findings, filed by William A. and Andra J. Lewis for 0.50 acres located at 410 W. El Dorado Avenue **(Property located in District 3)** - Planning and Development Dept.  
**Action Taken:**
1. Consider and adopt the finding of Categorical Exemption for Environmental Assessment No. R-03-024  
**Action Taken:**
  2. **BILL** - Amending the Official Zone Map to rezone the subject property from the R-3 (Medium Density Multiple Family Residential) zone district to the M-1 (Light Manufacturing) zone district  
**Action Taken:**
- 10:15 A.M. HEARING** - To consider the proposed annual assessments for Landscaping and Lighting Maintenance District No. 1 - Public Works Dept.  
**Action Taken:**
1. **RESOLUTION** - Confirming diagram and assessment and levy of annual assessment, 2003-2004, for Landscaping and Lighting Maintenance District No. 1  
**Action Taken:**
- 10:30 A.M. HEARING** to consider Rezone Application No. R-02-15, and environmental findings, filed by Saint Agnes Medical Center, for 15.41 acres located at 1149 E. Spruce Avenue **(Property located in District 6)** - Planning and Development Dept.  
**Action Taken:**
1. Consider and adopt Environmental Assessment No. R-02-15/S-03-91, finding of conformance with 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)  
**Action Taken:**
  2. **BILL** - Amending the Official Zone Map to rezone the subject property from the C-P/UGM/cz (Administrative and Professional Office/Urban Growth Management/with conditions) zone district to the C-P/UGM (Administrative and Professional Office/Urban Growth Management) zone district  
**Action Taken:**
- 10:35 A.M. HEARING** to consider Rezone Application No. R-03-10, and environmental findings, filed by Richard Fairbank, for approximately 19 acres located on the northeast corner of the Friant Expressway and N. Fort Washington Road **(Property located in District 6)** - Planning and Development Dept.  
**Action Taken:**
1. Consider and adopt Environmental Assessment No. R-03-10, resulting in an addendum to the previous Environmental Assessment No. R-98-10/A-98-08  
**Action Taken:**
  2. **BILL** - Amending the Official Zone Map to remove condition of zoning: "Provide pedestrian access from the Sherman Avenue cul-de-sac on the north and pedestrian access within the center, oriented to the Stratford signalized intersection"; the existing C-2 (Community Commercial) zone district would remain  
**Action Taken:**

## **TIME SCHEDULED HEARINGS AND MATTERS CONTINUED**

**10:40 A.M.**     **HEARING** to consider Rezone Application No. R-03-11, and environmental findings, filed by Tejinder Randhawa, for 0.30 acres located at 1210 Collins Avenue (***Property located in District 3***) - Planning and Development Dept.

**Action Taken:**

1.     Consider and adopt the finding of Categorical Exemption for Environmental Assessment No. R-03-11

**Action Taken:**

2.     **BILL** - Amending the Official Zone Map to rezone the subject property from the R-P/cz (Residential and Professional Office District/with conditions of zoning) zone district to the R-P (Residential and Professional Office District – Removal of Condition of Zoning) zone district

**Action Taken:**

**10:45 A.M.**     **HEARING** to consider adoption of Resolutions designating properties to the Local Register of Historic Resources (***Property located in District 3***) - Planning and Development Dept.

**Action Taken:**

1.     **RESOLUTION** - Adopting designation of the Adam Baird Home located at 136 N. Van Ness to the Local Register of Historic Resources

**Action Taken:**

2.     **RESOLUTION** - Adopting designation of the Crest Theatre Sign, Marquee, and Ticket Booth located at 1160 Broadway to the Local Register of Historic Resources

**Action Taken:**

3.     **RESOLUTION** - Adopting designation of the Kearney Boulevard Gateway located at Fresno and Kearney Boulevard to the Local Register of Historic Resources

**Action Taken:**

**11:00 AM#1**     **HEARING** to consider Rezone Application No. R-03-23, and environmental findings, filed by Chizuko Inouye and Gary Mason, for 1.04 acres located at 1362 N. Cedar Avenue (***Property located in District 4***) - Planning and Development Dept.

**Action Taken:**

1.     Consider and adopt the finding of Categorical Exemption for Environmental Assessment No. R-03-23

**Action Taken:**

2.     **BILL** - Amending the Official Zone Map to rezone the subject property from R-1 (Single Family Residential) zone district to the R-2 (Low Density Multiple-Family Residential) zone district

**Action Taken:**

## **TIME SCHEDULED HEARINGS AND MATTERS CONTINUED**

**11:00 AM#2 HEARING** to consider Rezone Application No. R-03-19, and environmental findings, filed by Coleen Standing, for approximately 2.46 acres located on the north side of E. Powers Avenue between N. Cedar and N. Maple Avenues **(Property located in District 6)** - Planning and Development Dept.

**Action Taken:**

1. Consider and adopt the finding of Categorical Exemption for Environmental Assessment No. R-03-19

**Action Taken:**

2. **BILL** - Amending the Official Zone Map to rezone from AE-20 (Exclusive Twenty-Acre Agricultural) zone district to the R-1-B (Single-Family Residential) zone district

**Action Taken:**

**NOON - 1:30 P.M. RECESS**

**2:00 P.M.**

### **ADOPT CONTESTED CONSENT ITEMS**

**2:30 P.M.**

**HEARING** to consider Rezone Application No. R-03-25, and environmental findings, filed by Daniel and Thavone DiMauro, for approximately 0.12 acres located on the north side of W. Calimyrna Avenue between N. Brawley and W. Bullard Avenues **(Property located in District 2)** - Planning and Development Dept.

**Action Taken:**

1. Consider and adopt the finding of Categorical Exemption for Environmental Assessment No. R-03-25

**Action Taken:**

2. **BILL** - Amending the Official Zone Map to rezone from AE-5 (Exclusive Five Acre Agricultural) zone district to the R-2 (Low Density Multiple-Family Residential) zone district

**Action Taken:**

**2:45 P.M.**

Report on Direction of Downtown Parking Program - Public Works Dept.

**Action Taken:**

**4:00 P.M.**

**PUBLIC COMMENT PERIOD - No Council action except to place on future agenda.  
Presentation limited to three (3) minutes.**

- A. Scheduled communications - Presentation by Fresno City Employees' Association (FCEA) employees regarding concerns - Acting President Castillo



## **TIME SCHEDULED HEARINGS AND MATTERS CONTINUED**

**4:30 P.M. RESOLUTION** - Approving transfer of card room permit from Diamond Sports Bar and Casino to Club One Casino and amending Resolution No. 97-289 relating to the card room permit held by Club One Casino - City Manager's Office

**Action Taken:**

### **2. GENERAL ADMINISTRATION**

**A. COFCG Rail Committee recommendation regarding high-speed rail - Fresno Area Express**

**Action Taken:**

**B. Bills for adoption relating to recovery of costs and penalties incurred or imposed - Finance Dept.**

**1.\* BILL NO. B-58 - (Intro. 6/27/2003) - Adding Article 20 to Chapter 9 of the Fresno Municipal Code relating to hazardous spills expense recovery**

**Action Taken:**

**2.\* BILL NO. B-59 - (Intro. 6/27/2003) - Amending Sections 1-603 and 1-604 of the Fresno Municipal Code relating to recovery of cost and penalties incurred or imposed in enforcement of nuisance abatement actions**

**Action Taken:**

**C. Approve Conditional Use Permit No. C-03-038, major amendment to previously approved Conditional Use Permit No. C-01-179, property located at the southeast corner of Herndon and Palm Avenues (*Property located in District 2*) - Planning and Development Dept.**

**1. RESOLUTION - Amending Conditional Use Permit No. C-01-179**

**Action Taken:**

**D. RESOLUTION - Establishing a service authority for abandoned vehicle abatement and authorizing the Planning and Development Department Director to sign on behalf of the City - Planning and Development Dept.**

**Action Taken:**

**E.\* BILL - (For introduction) - Adding Article 22 of Chapter 2 to the Fresno Municipal Code relating to campaign contribution limits and other campaign controls for candidates for elective City Office - City Attorney's Office**

**Action Taken:**

**F.\* BILL - (For introduction) - Relating to the permitting and regulation of mobile vendors in the City of Fresno and streamlining the Code relating to the revocation and suspension of business permits - City Attorney's Office**

**Action Taken:**

3. **CITY COUNCIL**

- A. Designation of Council Committee to work with City Manager's Office and City Attorney in contract negotiations with Global Spectrum regarding Convention Center Management - Councilmember Sterling  
**Action Taken:**

- B. Direct City Attorney to prepare all documents to create a 501 ( c ) 3 entertainment/sports authority integrating the Convention Center operations; Convention Center and Visitors' Bureau; and City Event Days at the multi-purpose stadium and request enabling documentation within 30 days - Acting President Castillo  
**Action Taken:**

1. Direct staff and City Attorney to provide all options related to the consolidation of the Convention Center, Selland Arena and Exhibit Hall for the purpose of sale and lease back options. All financing mechanisms to be incorporated into the 501 ( c ) 3 structure with all options to be before Council within 90 days for actions  
**Action Taken:**

4. **CLOSED SESSION**

- A. **CONFERENCE WITH LABOR NEGOTIATOR** - Government Code Section 54957.6

**City Negotiator(s):** Severo Esquivel, Adela Gonzalez and Jorge C. Aguiniga

**Employee Organization(s):**

1. Fresno City Employees' Association (FCEA)  
**Action Taken:**

- B. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Bombay Corporation, et al. v. City of Fresno, Fresno Superior Court Case No. 02 CE CG 02021  
**Action Taken:**

5. **CLOSED SESSION ANNOUNCEMENTS**

6. **PUBLIC COMMENT PERIOD - No Council action except to place on future agenda. Presentation limited to three (3) minutes.**

- A. **UNSCHEDULED COMMUNICATION** - Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date.

<b>SCHEDULED COUNCIL HEARINGS AND MATTERS</b>
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July	22-	9:00 A.M.	Presentation OF P.R.I.D.E. Team Certificates for the Winter Quarter
July	22 -	10:00 A.M.	<b>HEARING</b> to consider adoption of an ordinance for the closure of city alleys
July	29-	10:00 A.M.	<b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 52, Tract No. 5110
July	29-	10:10 A.M.	<b>HEARING</b> re: Plan Amendment No. 03-04, Rezone Appl. No. 03-18, filed by Paul and Gayane Atmajian
July	29-	10:15 A.M.	<b>HEARING</b> re: Rezone Appl. No. R-03-20, filed by Cambridge Homes
July	29-	10:15 A.M.	Presentation by Mr. Solomon on clean air transportation recommendation - Councilmember Calhoun
Aug.	5-	<b>NO MEETING - COUNCIL VACATION</b>	
Aug.	12-	<b>NO MEETING - COUNCIL VACATION</b>	
Aug.	19-	10:00 A.M.	<b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 49, Tract No. 4682
Aug.	19-	10:05 A.M.	<b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 53, Tract No. 5029
Aug.	26-	10:00 A.M.	<b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 54, Tract No. 4974
Sept.	2-	<b>NO MEETING - COUNCIL VACATION</b>	
Sept.	9-	<b>NO MEETING - COUNCIL VACATION</b>	
Sept.	23-	10:00 A.M.	<b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 55, Tract No. 5102
Sept.	23-	10:05 A.M.	<b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 56, Tract No. 5190